BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR C.G.

In the Matter of W.P.No. 944 /2003

PETITIONER Sarpanch, Gram Panchayat Khamhariya (Yadu) village and head Quarter Khamhariya Yadu, Tah. Baloda Bazar, Distt. Raipur (Chhattisgarh).

Versus

RESPONDENTS

1) State of Chhattisgarh, through the Secretary, Department of Panchayat, D.K.S. Bhawan, Raipur (Chhattisgarh)

2) The Chief Executive Officer, Janpad Panchayat, Baloda Bazar, Ta. Baloda Bazar, District Raipur (C.G.)

3) Collector, Distt. Raipur (CG)

4) Roopchand Bos, son of Purshottam Bos, aged about 27 years, Sachiv Panchayat Karmi of Gram Panchayat Khamhariya (Yadu) and resident of village Khamhariya (Yadu) Tah. Baloda Bazar, Distt. Raipur (CG)

P. R. No. 805/03
Presented by Shri R.N.P. Nair
dated 13.03.03

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13/3/03
CLERK TO A.G. BILASPUR

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND /OR ANY OTHER COMMAND OF LIKE NATURE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 944/03 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का क्रमांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	20.02.2004 Shri Roop Naik, counsel for the petitioner. Shri P. Das, Panel Lawyer for the State. Shri C.R. Sahu, counsel for respondent No.4. Heard. The petitioner who is Sarpanch of the Gram Panchayat Khamariya, Tahsil Baloda Bazar has preferred this writ petition under Article 226/227 of the Constitution of India for quashing the order dated 13.02.2003 (Annexure P-1) passed by the Collector whereby the removal of the respondent No.4 has been stayed. The brief facts leading to filing of this writ petition are that the respondent No.4 is the Panchayat Karmi who was elected as Secretary of the Village Khamariya in accordance with Section 69 of the Panchayat Raj Adhiniyam. The respondent No.4 indulged in mal-practices and tampering with the documents of village Panchayat, minute books and was misusing the funds of the Panchayat by converting the said fund for his own use. Therefore, the villagers made a complaint to the Sub Divisional	

GKPRJ—FS/78 —9/2000 —50,000.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 944/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 02 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Officer and on the basis of that complaint an enquiry was conducted and after completion of the enquiry the Enquiry Officer submitted the report to the Janpad Panchayat, Baloda Bazar and held the respondent No.4 guilty for financial irregularities. When no action was taken against the respondent No.4 in pursuance of the enquiry report, the villagers made a representation to the Sub Divisional Officer and ultimately Sub Divisional Officer, Baloda Bazar requested the Chief Executive Officer, Janpad Panchayat, Baloda Bazar vide order dated 26.12.2003 to remove the respondent No.4 from the post of Secretary till the enquiry for disciplinary action is complete and further to hand over the charge to some other person. After receipt of the order (Annexure P-4) the Chief Executive Officer, passed an order removing the respondent No.4 from the post of village Secretary, copy of which is Annexure P-5 to the writ petition. Against the said order the respondent No.4 has filed a revision before the Collector and as per Section 91 of Panchayat Raj Adhiniyam revision is not maintainable even then the Collector has granted stay in favour of the respondent No.4.

(78)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner submits that the stay granted in favour of the respondent No.4 is arbitrary. He further submits that the Collector is not deciding the revision filed by the respondent No.4 and the same is pending before him since more than one year. Therefore, he submits that the Collector-respondent No.3 may be directed to decide the revision at the earliest to which learned counsel for the respondents has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondent No.3-Collector is directed to decide the revision filed by respondent No.4 as early as possible but not later than two months. With the above direction, the petition stands disposed of. Consequently, M.W.P. No. 816/2003 & I.A. Nos.6776/2003, 572/04 & 653/2004 for urgent hearing also stand disposed of. Certified copy as per Rules. Sd/- L.C.BHADOO Judge	

[पीछे देखिये